

No. 188.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to confirm certain surveys in the
Townships of Lingwick, Bury and Or-
ford.

(PRIVATE BILL.)

Received and read, first time, Tuesday, 16th
April, 1861.
Second Reading, Wednesday, 17th April,
1861.

MR. POPE.

QUEBEC:
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ST. URSULE STREET.

An Act to confirm certain Surveys in the Townships of Lingwick, Bury and Orford.

- W**HEREAS the British American Land Company acquired from the Crown and became the proprietors originally of all the lands in the Township of Bury, in Lower Canada, with the exception of that certain lot of land numbered sixteen in the eighth range of the ranges of said Township, as delineated in the original survey by the Government of this Province, of the North quarter of said Township; And whereas the said British American Land Company acquired of the Crown and became originally the proprietors of the whole of the Township of Lingwick, in Lower Canada, except five hundred acres of land therein situate in that part of said last-mentioned Township as yet unsurveyed; And whereas the said British American Land Company acquired from the Crown and became originally the sole proprietors of a large proportion of the lands in the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth ranges in the Township of Orford, in Lower Canada, as delineated in the original survey of said Township of Orford by the Government of this Province; And whereas the said lands in the aforesaid Townships are now held in fee simple to said British American Land Company and their assigns; And whereas the said British American Land Company, prior to the alienation of such portions of said lands in said Townships as were held by them as proprietors as aforesaid, for the purpose of facilitating the settlement of said lands, caused a survey and surveys thereof to be made, with figurative plans thereof by Provincial Land Surveyors, by accurate measurement, dividing and subdividing the portions of said Townships so surveyed by them into ranges and lots differing in quantity of land and allocation of lots and denomination of ranges and lots, from the method adopted by the plans of the original surveys by the Government, of said lands, so far as such original surveys had been made; And whereas the said British American Land Company have conveyed and alienated divers lots and tracts of such lands to settlers thereon, whereof the description in the deeds of alienation and conveyance is based upon the surveys of said lands and figurative plans made at the instance of said Company, and to obviate doubts and set at rest all questions of titles respecting said lands, it is expedient to ratify and confirm said surveys, measurements and figurative plans of said lands, made at the instance of said British American Land Company; Therefore Her Majesty, by and with the advice of the Legislative Council and Legislative Assembly, enacts as follows:
1. The survey and measurement of such portions of the Township of Bury in Lower Canada, as hath been heretofore made by Joseph Pennoyer, Esquire, and John Sullivan, Esquire, Provincial Land Surveyors, for the British American Land Company, of the lands in said Township, belonging to said Company at the time such survey and measurement was made, whereof the original field notes and figurative plan were deposited and now remain in the office of said British American

Preamble.

Survey of Bury by Pennoyer and Sullivan confirmed.

Land Company, at the Town of Sherbrooke, in Lower Canada, is hereby confirmed and ratified, and the denominations of the lots and ranges, the measurement and allocation thereof is hereby declared to have, and to have had, respecting the said Company, and all persons deriving title in any manner from them, all the force and effect, and authentic of a survey made by and at the instance of the Government of this Province, and it is further enacted, that the original survey of the North quarter of said Township of Bury, by the Provincial Government, save and except of lot numbered sixteen, in the eighth range of said Township of Bury, is hereby annulled and set aside, and the survey of said Joseph Pennoyer and John Sullivan is hereby substituted in the place thereof: Provided also, that a true copy of the field notes, and figurative plan of said survey of Joseph Pennoyer, and John Sullivan, certified to be such, by said Joseph Pennoyer, shall be deposited and remain with the Commissioner of Crown Lands, and extracts or copies thereof may be obtained from said Commissioner of Crown Lands, which shall have the same force and authentic, and be verified in the same manner in all Courts and places, as original surveys and figurative plans made at the instance of the Government of this Province, have and are verified.

Proviso :
Copy to be
deposited
with Crown
Lands.

Survey of
Lingwick by
Pennoyer and
Sullivan con-
firmed.

II. The survey and measurement of such portions of the Township of Lingwick, in Lower Canada, as hath been made by Joseph Pennoyer, Esquire, and John Sullivan, Esquire, Provincial Land Surveyors for the British American Land Company, of the lands in said Township, belonging to said Company, at the time such survey and measurement was made, whereof the original field notes and figurative plan were deposited and now remain, in the office of the said British American Land Company, at the Town of Sherbrooke, in Lower Canada is hereby confirmed and ratified, and the denominations of the lots and ranges the measurement and allocation thereof, is hereby declared to have, and to have had, respecting said Company, and all persons deriving title in any manner from them, all the force and effect and authenticity of a survey made by and at the instance of the Government of the Province; And it is further enacted, that the original survey of the West quarter of the said Township of Lingwick by the Provincial Government, is hereby annulled and set aside, and the survey of the said Joseph Pennoyer and John Sullivan aforesaid is substituted in the place thereof: Provided also, that a true copy of the field notes and figurative plan of said survey of Joseph Pennoyer and John Sullivan, certified to be such by said Joseph Pennoyer, shall be deposited and remain with the Commissioner of Crown Lands, and extracts or copies thereof may be obtained from said Commissioner of Crown Lands, which shall have the same force and authenticity and be verified in the same manner, in all Courts and places, as original surveys and figurative plans made at the instance of the Government of this Province have and are verified.

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deposited
with Crown
Lands.

Surveys of
Pennoyer and
Wales in Or-
ford confirm-
ed.

III. The surveys, measurements and figurative plan of Joseph Pennoyer, Esquire, and Oliver Wells, Esquire, Provincial Land Surveyors, at the instance of the British American Land Company, heretofore made of portions of the eighth, ninth, tenth, eleventh, twelfth, thirteen, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth ranges of the township of Orford, in Lower Canada, belonging at the time such surveys and measurements were made, to the British American Land Company, whereby certain lots as in the original survey of said township described, were reversed, subdivided and included within certain larger limits designated as respectively ranges A. B. C. D. E. and F., are here-

by confirmed and ratified, and the denominations of ranges and lots in the figurative plan of said surveys and measurements are hereby declared to be and to have been authentic, and the field book of notes of survey and figurative plan made by said Provincial Surveyors, shall
 5 have the same authenticity and binding force respecting titles based upon said surveys and plan, as the field book of notes and figurative plan indicating the original survey of said township have, respecting titles based upon such original survey: Provided also, that a copy of the field notes, and of the figurative plan of said surveys and measurements
 10 of said Joseph Pennoyer, and Oliver Wells, certified to be such by said Joseph Pennoyer, shall be deposited with the Commissioner of Crown Lands, and there remain, and extracts or copies can be obtained therefrom in the same manner, and be authenticated in the same way as extracts or copies of field notes and plans of any original survey had by
 15 the Government, may be obtained and authenticated: Provided nevertheless, that nothing herein contained shall be construed to have the effect of annulling or setting aside the original survey or any portion thereof, of said township of Orford as descriptive of the general divisions of said townships into ranges and lots, or in any manner to affect the titles of
 20 any person or corporate bodies, save and except such as are based upon the measurements and description contained in the said surveys and figurative plan of Joseph Pennoyer and Oliver Wells, and held by the British American Land Company, or derived from them.

Proviso;
 copy to be
 deposited
 with Crown
 Lands.

Proviso.

IV. The surveys made at the instance of the British American Land
 25 Company as aforesaid, of the Townships of Lingwick and Bury, so far as the same have been surveyed, shall be held and considered to all intents and purposes the original surveys of said Townships, and particularly for the purposes mentioned in the seventy-second section of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, and the reversed lots and subdivisions of original lots in the Town-
 30 ship of Orford aforesaid, contained in the survey of Joseph Pennoyer and Oliver Wells, hereinbefore confirmed shall appear in the plans referred to in said seventy-second section of said cited Act, under the same denominations as to ranges and lots as the same are in the figurative plan of said survey of said Joseph Pennoyer and Oliver
 35 Wells, whereof a copy is to be deposited as aforesaid with the Commissioner of Crown Lands; and, while the original survey of said Township of Orford remains as descriptive of the general division of said Township into lots and ranges, the survey of said Joseph Pennoyer and Oliver Wells, as indicated by their said figurative plan as forming
 40 certain ranges of reversed lots, namely, Ranges A, B, C, D, E and F, is hereby held and declared to be recognized as a true and correct survey and measurement of the lands therein designated, and as determining the identity, locality and quantity of any parcel of land within these
 45 last named ranges, whenever questioned respecting any title held by said British American Land Company, or any person or party deriving directly or indirectly from them.

The said sur-
 veys of Ling-
 wick and
 Bury to serve
 for the offi-
 cial plans,
 etc., under
 c. 37, s. 72 of
 Con. Stat.
 L. C.

V. The portions of said Townships of Bury and Lingwick remaining
 as yet unsurveyed, may at any time hereafter be surveyed at the in-
 50 stance of said British American Land Company, by a duly licensed Provincial Land Surveyor or Surveyors, and copies of the field notes and figurative plans of such surveys, certified by the Provincial Land Surveyor or Surveyors, making the same, shall be deposited with the Commissioner of Crown Lands, and the originals thereof shall be de-
 55 posited and remain in the office of the British American Land Company at the Town of Sherbrooke, in Lower Canada, and if such surveys, so

As to por-
 tions of Bury
 and Ling-
 wick now un-
 surveyed.

to be made, shall be approved by the Commissioner of Crown Lands, and when and so soon as the same shall be so approved by said Commissioner of Crown Lands, the said proposed surveys, and the portions measurements, field notes, and figurative plans thereof, shall have the same force and authenticity, and be verified in the same manner as the surveys, field notes, and figurative plans already made of said Townships, are by this Act declared to have, and are to be verified. 5

Public Act. IV. This Act shall be deemed a public Act.